

REMARKS

Applicant requests the Examiner to reconsider and withdraw the objection to claim 2 in light of the above corrective amendment thereto which makes it clear that "conduit (14)" refers to the conduit of the body (12).

Applicant respectfully traverses the rejection of claims 1-4 and 6 under 35 U.S.C. § 102(e) as being anticipated by Wilson '349.

Such a rejection requires that Wilson '349 disclose, either expressly or inherently, each limitation of each of claims 1-4 and 6, or in other words, that each of claims 1-4 and 6 be readable on the disclosure of Wilson '349. Applicant respectfully submits that clearly such is **not** the case here.

The only possible basis for this holding of anticipation is the Examiner's interpretation of the word "integral":

The immobilizing member is considered by the examiner to be integral with the body in [that] the two together form a unit.

The last (characterizing) clause of claim 1 is intended to mean that the manual control device is made in one piece, the immobilizing member 16 and the body 12 being "integral" one with the other.

Thus, and merely to clarify the intended meaning of the word "integral", Applicant has inserted in claim 1 the words "in one piece" following the word "integral".

In **contrast**, in Wilson, the immobilizing member (button) 20 is introduced in a cavity 36 as shown on Figure 3, and is retained therein either by pins 76 (Figures 3 and 4) or by stops 82 protruding from the immobilizing member 20 and abutting against shelves 78.

Thus, none of the embodiments disclosed by Wilson includes or even suggests an immobilizing member which is "integral, in one piece" with the body.

Thus, since Wilson does not disclose, either expressly or inherently, each limitation of claims 1-4 and 6, Applicant respectfully submits that Wilson is **incapable** of "anticipating" these claims, whereby Applicant respectfully requests the Examiner to reconsider and withdraw the rejection under 35 U.S.C. § 102(e) and to allow claims 1-4 and 6.

Applicant also respectfully traverses the rejection of dependent claim 5 (5/4/3/2/1) under 35 U.S.C. § 103(a) as being unpatentable (obvious) over Wilson '349, because the Examiner has not made out a *prima facie* case of obviousness of the subject matter of claim 5.

In this rejection of claim 5 the Examiner states "that forming an article previously of two pieces into one piece involves only routine skill in the art". Even though this statement may have been valid for the 1893 Supreme Court Case cited by the Examiner, this generalization is not applicable to Applicant's claim 5.

That is, in the present case, Applicant respectfully submits that it cannot be considered to involve only "routine" skill to make Applicant's claimed immobilizing member...integral in one piece with the body".

Indeed, in Wilson, the immobilizing member (button) 20 **slides** with respect to the body. Thus, it is **impossible** to make the immobilizing member 20 "integral" with the body 16 since, in

that case, the immobilizing member 20 would be retained in a fixed position with respect to the body.

In addition, Wilson's member 20 and the body 16 cannot be obtained simultaneously by injection-molding of plastic in a shaped mold, since it would not be impossible to remove the mold elements.

Thus, a person skilled in the art, considering the devices disclosed by Wilson, would be lead away from Applicant's claimed solution, since Wilson's arrangement of immobilizing member and body does not permit them to be made "integral, in one piece", as claimed by Applicant.

On the **contrary**, due to the structure defined in claim 5 wherein the control arm 18 is hinged to the body, the immobilizing member and the body can be made in one piece in a mold.

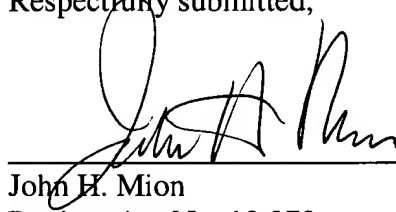
Such a possibility is, of course, not even suggested by Wilson '149, since making immobilizing member (button) 20 integral with the body 16 would run counter to the teaching of Wilson by rendering the Wilson apparatus **inoperative**.

In summary, then, for the reasons presented above, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of claims 1-4 and 6 under 35 U.S.C. § 102(e), and the rejection of claim 5 under 35 U.S.C. § 103(a), and to find the application to be in condition for allowance with all of claims 1-6; however, if for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is respectfully requested to **call the undersigned attorney** to discuss any unresolved issues and to expedite the disposition of the application.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. APPLN. NO. 09/890,577

Applicant files concurrently herewith a Petition (with fee) for an Extension of Time of Three Months. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this application, and any required fee for such extension is to be charged to Deposit Account No. 19-4880. The Commissioner is also authorized to charge any additional fees under 37 C.F.R. § 1.16 and/or § 1.17 necessary to keep this application pending in the Patent and Trademark Office or credit any overpayment to said Deposit Account No. 19-4880.

Respectfully submitted,



John H. Mion
Registration No. 18,879

SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
(202) 663-7901

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: December 29, 2004